

ORDINANCE O-5-16

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2 OF THE CODE OF ORDINANCES
(Reserve "Class B" Intoxicating Liquor License Fee)

INTRODUCED BY ALDERMAN _____

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 7, Chapter 2, SEC. 7-2-5 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 7—Licensing and Regulation

CHAPTER 2

Fermented Malt Beverages and Intoxicating Liquor

ARTICLE A

Fermented Malt Beverages and Intoxicating Liquor

...

SEC. 7-2-5 LICENSE FEES.

There shall be the following classes and denominations of licenses which, when issued by the City Clerk under the authority of the Common Council after payment of the fee hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Chapter 125 Sections 125.04(5), (6); 125.28(1)(a), (b), (d); 125.28(2); 125.31(2)(a); 125.22(1),(2),(4); 125.32(4)(a); 125.31(2)(b); 125.26(2); 125.04(6); 125.17; 125.68(2); 125.32(2); 125.51(2); 125.51(3); or 125.57, Wis. Stats.:

- (a) Retail "Class "A" Intoxicating Liquor License -- \$300.00 annually or fraction thereof, as per fee schedule approved by City of Menasha Common Council.
- (b) Class "A" Fermented Malt Beverage License -- \$225.00 Annually, as per fee schedule approved by City of Menasha Common Council
- (c) Retail "Class "B" Intoxicating Liquor License -- \$325.00 annually, as per fee schedule approved by City of Menasha Common Council
- (d) Class "B" Fermented Malt Beverage Retailer's License -- \$100.00 per year or three fourths (3/4) of that amount for a six (6) month period, as per fee schedule approved by City of Menasha Common Council.
- (e) Special Class "B" Fermented Malt Beverage Picnic License -- \$95.00 per event, as per fee schedule approved by City of Menasha Common Council.
- (f) Wholesaler's License -- \$45.00 annually or fractional part thereof, as per fee schedule approved by City of Menasha Common Council.
- (g) Reserve "Class "B" Intoxicating Liquor License Fees-- \$10,000 for the initial application and the renewal price as specified by 7-2-5(b).
 - (1) Reserve Class "B" Intoxicating Liquor License—\$10,000 for the initial application and the renewal price as specified by 7-2-5(b).
 - (2) Upon request, the City of Menasha will provide a grant of \$8,000 to anyone who is granted a Reserve Class "B" Intoxicating Liquor License provided that all of the following criteria are met:
 - a. Inspections by the Fire Department, Health Department, and the Inspections department disclose no violations or that any violations have been corrected and approved.

- b. ~~The applicant has not been convicted of any offense, misdemeanor, or felony relating to the sale of either intoxicating liquor or fermented malt beverages or for sale or delivery of any controlled substance for at least five years preceding the request.~~
- c. ~~The applicant has not been delinquent with any obligation to the City of Menasha or Menasha Electric & Water Utility in any business which holds or has previously held any license issued under this section for at least five years.~~
- d. ~~The applicant has not been convicted of operating a motor vehicle while under the influence of an intoxicant within the previous two years before this request.~~
- e. ~~The applicant and all of the employees of the applicant have answered truthfully all questions in applications for any licenses to be used in conjunction with the business applying for the grant.~~
- f. ~~Any requirements of an approved site plan approval have been completed.~~
- g. ~~The application must have been made within one year after the granting of the Reserve license.~~
- h. ~~The property must comply in all respects with any other requirements of the City of Menasha.~~
- (3) ~~The City Attorney shall review the written request for the grant and certify to the Clerk that all the requirements of this section have been satisfied. Upon such certification, the Clerk shall notify the Common Council that the Finance Department will be awarding the grant.~~
- ~~(4)(2) Should the City Attorney notify the Clerk that all conditions precedent to the awarding of the grant not be satisfied, the applicant may appeal to the Administration Committee for award of the grant notwithstanding the non-compliance. The only issue before the Administration Committee shall be whether the grant ought to be awarded. No appeal may be taken as to the circumstances of the non-compliance.~~
- (h) Retail “Class C” Wine License - \$100.00 Annually as per fee schedule approved by City of Menasha Common Council.

...

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this ____ day of June, 2016.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

ATTORNEY’S NOTE: Wisconsin Act 286 effective June 1, 2016 states: “A municipality may not rebate or refund to a “Class B” licensee or a person affiliated with the “Class B” licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve “Class B” license.” Therefore the City Code must be change to comply with State Statute. The other changes are removing fees from the Code.